



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,011	07/30/2003	Walter Kolb	8934-95US (20 009)	8531

570 7590 08/26/2004

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103-7013

EXAMINER

MAMMEN, NATHAN SCOTT

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,011

Applicant(s)

KOLB ET AL.

Examiner

Nathan S Mammen

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15, 20, 21 and 23-30 is/are rejected.
- 7) ☒ Claim(s) 13, 16-19 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/13/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract begins with "The invention relates to". Correction is required. See MPEP § 608.01(b).

Information Disclosure Statement

3. It should be noted that, while Applicants described the relevance of the "Category X" references cited in the European Search Report, these references were not cited in the IDS and copies of these foreign references were not provided.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5-12, 14, 15, 20, 21, 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,790,294 to Marich, cited by Applicant.

Art Unit: 3671

The Marich '294 patent discloses a cutting device for plants comprising at least one rotating cutting blade (20) that cooperates with a stationary counter-blade (col. 1, lines 18 and 56-58). The rotating cutting blade is curved (at 22) and is arranged in oblique planes around the axis of rotation (Fig. 1). The rotating cutting blade is replaceably arranged in a blade support (14), and the blade is held by a snap connection (col. 2, lines 2-9) in the blade support (14).

Regarding claims 2, 5-12, 14, 15, 20, 21, 28-30: The blade (20) is mounted in a slot (18) of the blade support (14). The cutting device has plural slots provided in succession and running approximately axially (see Fig. 1). The blade supports are connectable to a drive shaft (10) by plug-in connections (12, 16) comprising axially running slots (12). The blades extend less than 100 degrees of a circular arc running around the rotation axis (See Figs. 1 and 2). At least three blades (20) are arranged in succession in a peripheral direction (See Fig. 1). The blade is connected at the edge opposite to the cutting edge to a guide element (22), which is positively latched in the blade support (col. 2, lines 2-9). The blade (20) inherently includes a spring metal strip. (See col. 1, line 56, and col. 1, line 67 – col. 2, line 1. Conventional mower blades are metal – and the base (22) of the blade as a spring or resilience.) The blade (20) is arranged such that it has an angle of at most 35 degrees to the axis of rotation (see Figs. 2, 3, 5). The cutting device is a lawnmower.

6. Claims 1-6, 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 402,223.

The GB '223 patent publication discloses a cutting device for plants comprising at least one rotating cutting blade (1a) that cooperates with a stationary counter-blade (5). The rotating cutting blade is curved (Fig. 4) and is arranged in oblique planes around the axis of rotation (Fig.

Art Unit: 3671

3). The rotating cutting blade is replaceably arranged in a blade support (6, 7, 15), and the blade is held by a snap connection (19) in the blade support.

Regarding claims 2-6: The blades are mounted in a plurality of slots (formed by the neck 16), which run axially to the blade. The blade is inserted transversely to its longitudinal direction into the slots, then lockable in the slots by axial displacement and the engagement of elastic latching element (19).

Regarding claims 23-25: The blade (1a) and counter-blade are biased relative to one another by a spring element (15), which is formed directly on the blade support (6, 7).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of U.S. Patent No. 1,903,183 to Jessup, both cited by Applicant.

The Marich '294 patent discloses the claimed invention, as stated in paragraph 5 above, but mentions the counter-blade only in passing. The Jessup '183 patent discloses a counter-blade for a reel mower, the counter-blade (6') being removably and resiliently mounted (page 2, lines 30-36). It would be obvious to one having ordinary skill in the art at the time the invention was made to provide the cutting device of the Marich '294 patent with the counter-blade of the Jessup '183 patent, in order to provide an arrangement for easily replacing a counter-blade. Regarding the limitation in claim 26 that the counter-blade is divided in the axial segments, replacing a

Art Unit: 3671

single unitary counter-blade with a counter-blade composed of a plurality of segments would have been obvious to one having ordinary skill in the art.

Allowable Subject Matter

9. Claims 13, 16-19, 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

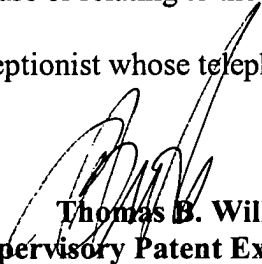
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
8/20/04

Nathan S. Mammen